

HOUSE BILL NO. 683

INTRODUCED BY D. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING RESPONSIBILITY FOR INSPECTION OF SCHOOL BUSES FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF TRANSPORTATION LAW ENFORCEMENT OFFICERS; AND AMENDING SECTIONS 20-10-101 AND 61-9-502, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-10-101, MCA, is amended to read:

"20-10-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Bus route" means a route approved by the board of trustees of a school district and by the county transportation committee.

(2) "Eligible transportee" means a public school pupil who:

(a) is 5 years of age or older and has not reached the age of 21 on or before September 10 of the current school year or who is a preschool child with a disability between the ages of 3 and 6;

(b) is a resident of the state of Montana;

(c) regardless of district and county boundaries:

(i) resides at least 3 miles, over the shortest practical route, from the nearest operating public elementary school or public high school, whichever the case may be; or

(ii) has transportation identified as a related service in an individualized education program as developed and implemented in accordance with the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.; and

(d) is considered to reside with a parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives when attending school.

(3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus allocated for one passenger.

(4) (a) "School bus" means, except as provided in subsection (4)(b), any motor vehicle that:

(i) complies with the bus standards established by the board of public education as verified by the department of justice's ~~transportation's~~ semiannual inspection of school buses performed pursuant to 61-9-502 and by the superintendent of public instruction; and

(ii) is owned by a district or other public agency and operated for the transportation of pupils to or from school or owned by a carrier under contract with a district or public agency to provide transportation of pupils to or from school.

(b) A school bus does not include a vehicle that is:

(i) privately owned and not operated for compensation under this title;

(ii) privately owned and operated for reimbursement under 20-10-142;

(iii) either district-owned or privately owned, designed to carry not more than nine passengers, and used to transport pupils to or from activity events or to transport pupils to their homes in case of illness or other emergency situations; or

(iv) an over-the-road passenger coach used only to transport pupils to activity events.

(5) "Transportation" means:

(a) a district's conveyance of a pupil by a school bus between the pupil's legal residence or an officially designated bus stop and the school designated by the trustees for the pupil's attendance; or

(b) "individual transportation" by which a district is relieved of actually conveying a pupil. Individual transportation may include paying the parent or guardian for conveying the pupil, reimbursing the parent or guardian for the pupil's board and room, or providing supervised correspondence study or supervised home study.

(6) "Transportation service area" means the geographic area of responsibility for school bus transportation for each district that operates a school bus transportation program."

Section 2. Section 61-9-502, MCA, is amended to read:

"61-9-502. Semiannual inspection of school buses. ~~(1) The department of transportation shall perform the semiannual inspection of school buses, one of which shall must be at least 30 days prior to the beginning of the school term, and reinspect the buses, if necessary, before the beginning of the school term.~~

(1) A SEMIANNUAL INSPECTION OF SCHOOL BUSES MUST BE PERFORMED BY A LAW ENFORCEMENT OFFICER, AS DEFINED IN 7-32-201. ONE OF THE INSPECTIONS MUST BE PERFORMED AT LEAST 30 DAYS PRIOR TO THE BEGINNING OF THE SCHOOL TERM AND A REINSPECTION, IF NECESSARY, MUST BE PERFORMED BEFORE THE BEGINNING OF THE SCHOOL

1 TERM.

2 (2) The ~~department's~~ department of transportation's inspection ~~shall~~ must determine if the school buses
3 meet the minimum standards for school buses as adopted by the board of public education."

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